

**ASSEMBLY BILL**

**No. 894**

**Introduced by Assembly Member La Suer**

February 18, 2005

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An act to add Chapter 13.5 (commencing with Section 4989.1) to Division 2 of the Business and Professions Code, relating to professional counselors.

LEGISLATIVE COUNSEL'S DIGEST

AB 894, as introduced, La Suer. Licensed professional counselors.

Existing law provides for the licensing and regulation of marriage and family therapists and social workers by the Board of Behavioral Science, in the Department of Consumer Affairs.

This bill would provide for the licensing and regulation of professional counselors by the Board of Behavioral Sciences. The bill would require the Governor to appoint 2 additional persons to the board. The bill would enact various related provisions on the practice of professional counselors.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Chapter 13.5 (commencing with Section 4989.1)
- 2 is added to Division 2 of the Business and Professions Code, to
- 3 read:

## CHAPTER 13.5. PROFESSIONAL COUNSELORS

4989.1. For purposes of this section, the following terms have the following meanings:

(a) “Applicant” means an unlicensed person who has completed a master’s or doctoral degree program in counseling or a related field, has met the experience and examination requirements specified in this chapter, and whose application for licensure is pending.

(b) “Approved Supervisor” means a licensed professional counselor, licensed marriage and family therapist, licensed clinical psychologist, licensed clinical social worker, or licensed education psychologist who has documented two years of clinical experience and has received professional training in supervision under approved providers.

(c) “Assessment” means selecting, administering, scoring, and interpreting psychological and educational instruments designed to assess an individual’s attitudes, abilities, achievements, interests, personal characteristics, disabilities, and mental, emotional, and behavioral disorders and the use of methods and techniques for understanding human behavior in relation to coping with, adapting to, or changing life situations.

(d) “Board” means the Board of Behavioral Sciences.

(e) “Counseling degree” means completion of a minimum of 48 graduate semester units/hours/credits in counseling, or a related degree, from a regionally accredited institution of higher education, and includes an earned master’s degree in counseling, or a related degree, consisting of 48 semester units/hours/credits, or an earned doctoral degree in counseling, or a related degree.

(1) The 48 semester units/hours/credits should include the equivalent of at least 3 semester units/hours/credits of study in each of the following areas:

(A) Helping relationships, including counseling theory and practice.

(B) Human growth and development.

(C) Lifestyle and career development.

(D) Group dynamics, processes, counseling, and consulting.

(E) Assessment, appraisal, testing of individuals.

(F) Social and cultural foundation, including multicultural issues.

1 (G) Principles of diagnosis, treatment planning, and  
2 prevention of mental and emotional disorders and dysfunctional  
3 behavior.

4 (H) Research and evaluation.

5 (I) Professional orientation and ethics in counseling, and  
6 supervised practicum/internship experience in a counseling  
7 setting.

8 (2) An applicant who is deficient in curricular areas or in  
9 units/hours/credits pursuant to this section may satisfy the  
10 requirements by successfully completing post-master's or post  
11 doctoral degree coursework that includes three semester  
12 units/hours/credits of study in each of the areas listed in  
13 subparagraphs (A) to (I), inclusive, of paragraph (1).

14 (3) On January 1, 2011, the minimum number of  
15 units/hours/credits required to constitute a counseling degree  
16 under this chapter shall increase to 60, and shall include a 48-unit  
17 master's degree.

18 (f) "Counseling treatment interventions" means the application  
19 of cognitive, affective, behavioral, or holistic counseling  
20 strategies that include principles of development, wellness, and  
21 pathology that reflect a pluralistic society. Such interventions are  
22 specifically implemented in the context of a professional  
23 counseling relationship and use a variety of counseling theories  
24 and approaches.

25 (g) "Licensed professional counselor" or "LPC" means a  
26 person licensed under this chapter to practice professional  
27 counseling, as defined.

28 (h) "Passing of a live scan fingerprint check" means that the  
29 fingerprint result provided by the Department of Justice or the  
30 FBI indicates that the applicant has no criminal convictions, or  
31 that any criminal conviction provided to the board has been  
32 evaluated and cleared by appropriate board staff.

33 (i) "National examination organizations" means the National  
34 Board for Certified Counselors (NBCC) and the Commission on  
35 Rehabilitation Counselor Certification (CRCC).

36 (j) "Professional counseling" means the application of mental  
37 health, psychological, and human development principles in  
38 order to do any of the following:

39 (1) Facilitate human development and adjustment throughout  
40 the life span.

(2) Prevent, diagnose, and treat mental, emotional, or behavioral disorders and associated distresses that interfere with mental health.

(3) Conduct assessments and diagnoses for the purpose of establishing treatment goals and objectives.

(4) Plan, implement, and evaluate treatment plans using counseling treatment interventions.

(k) “Related degree” means a degree related to counseling, including, but not limited to, a degree in rehabilitation, psychology, art therapy, social work, marriage and family therapy, school counseling or psychology, dance or movement therapy, or career development.

(l) “Supervised experience” means that the applicant has acquired a minimum of 3,000 hours of experience in the practice of professional counseling, as defined, performed over a period of not less than two years and under the supervision of an approved supervisor. On and after January 1, 2008, at least 50 percent of the experience shall be under the supervision of a licensed professional counselor.

4989.2. The practice of professional counseling includes, but is not limited to, all of the following:

(a) Individual counseling, group counseling, family counseling, and psychotherapy.

(b) Assessment, diagnosis, and treatment of persons with mental and emotional disorders.

(c) Crisis intervention.

(d) Guidance and consulting to facilitate normal growth and development, including educational and career development.

(e) Utilization of functional assessment and counseling for persons requesting assistance in adjustment to a disability or a handicapping condition.

(f) Consulting regarding any of the subjects listed in subdivisions (a) to (e), inclusive.

(g) Research in any of the subjects listed in subdivisions (a) to (e), inclusive.

(h) Referral with regard to any of the subjects listed in subdivisions (a) to (e), inclusive.

4989.3. It is unlawful for a person to engage in the practice of professional counseling or to represent himself or herself as a licensed professional counselor without first having complied

1 with the provisions of this chapter, and without holding a valid  
2 license as required by this chapter.

3 4989.4. The board may issue a license in professional  
4 counseling to any person who meets all of the following  
5 requirements:

6 (a) He or she has received a master's or doctorate degree in  
7 counseling, or a related degree, from a regionally accredited  
8 institution of higher education.

9 (b) He or she has completed 3,000 hours of supervised  
10 experience in the practice of professional counseling.

11 (c) He or she provides evidence of satisfactory performance on  
12 the National Counselor Examination for Licensure and  
13 Certification (NCE), the Certified Rehabilitation Counselor  
14 Examination (CRCE), or the National Clinical Mental Health  
15 Counseling Examination (NCMHCE).

16 (d) He or she meets the board's regulatory requirements for  
17 counselor licensure.

18 4989.5. During the first 12 months following January 1, 2006,  
19 the board may issue a license to any person who applies for a  
20 license provided that he or she meets either of the following  
21 criteria:

22 (a) He or she meets all of the following requirements:

23 (1) Has a graduate degree in counseling, or a related  
24 counseling degree, from a regionally accredited institution of  
25 higher education. If the person's degree does not include  
26 coursework in all nine subject areas required by this chapter, he  
27 or she shall provide documentation that he or she has completed  
28 the required coursework at the two-year renewal period.

29 (2) Has 3,000 hours of documented, supervised experience.  
30 Documented experience in counseling practice for at least five of  
31 the preceding eight years may be substituted for the 3,000 hours  
32 of documented, supervised experience.

33 (3) Has a passing score on the National Certified Counselor  
34 Examination for Licensure and Certification (NCE), the Certified  
35 Rehabilitation Counselor Examination (CRCE), or the National  
36 Clinical Mental Health Counseling Examination (NCMHCE).

37 (b) Is currently registered as a professional counselor in the  
38 State of California and meets the counseling degree requirement  
39 described in paragraph (1) of subdivision (a).

1 4989.6. (a) In order to carry out the provisions of this  
2 chapter, the board shall do all of the following:

3 (1) Contract, in compliance with state regulations, with a  
4 national examination organization for the evaluation of  
5 applications and administration of the examinations under this  
6 chapter.

7 (2) Maintain a registry of all licensed professional counselors.

8 (3) Require licensed professional counselors to complete 40  
9 hours of continuing education by an approved provider every two  
10 years.

11 (4) Investigate complaints concerning the conduct of any  
12 licensed professional counselor.

13 (5) Revoke, suspend, or fail to renew a license that it has  
14 authority to issue for just cause, as enumerated in rules and  
15 regulations of the board.

16 (6) Assess fees for the issuance and renewal of licenses and to  
17 cover administrative and operating expenses of the board related  
18 to this chapter.

19 (7) Require the passing of a live scan fingerprint check prior to  
20 the issuance of a counselor's license.

21 (b) The Governor shall appoint two additional persons to the  
22 board who meet the qualifications to become licensed  
23 professional counselors.

24 4989.7. A licensee shall display his or her license in a  
25 conspicuous place in his or her primary place of practice.

26 4989.8. (a) Licensed professional counselors shall adhere to  
27 the Code of Ethics and Standards of Practice, as adopted by the  
28 American Counseling Association.

29 (b) It is the intent of the Legislature that any communication  
30 made by a person to a licensed professional counselor in the  
31 course of professional services shall be deemed a privileged  
32 communication.

33 4989.9. A licensed professional counselor, or his or her  
34 employer, may not charge a client or receive remuneration for  
35 professional counseling services unless, before the performance  
36 of those services, the client is furnished a copy of a professional  
37 disclosure statement, as specified in the American Counseling  
38 Association Code of Ethics. Licensed professional counselors are  
39 encouraged to provide to each client an accurate and informative  
40 statement of the counselor's experience, education, specialties,

1 professional orientation, and any other information deemed  
2 appropriate by the licensee.

3 4989.10. Nothing in this chapter shall be construed to apply to  
4 any of the following:

5 (a) The activities or services of a licensee of another  
6 profession, including, but not limited to, a physician,  
7 psychologist, marriage and family therapist, or social worker,  
8 performing duties consistent with the laws of this state, provided  
9 he or she does not represent himself or herself by any title or  
10 practice description as a licensed professional counselor.

11 (b) An employee of a governmental entity, or of a school,  
12 college, or university, if his or her practice is performed solely  
13 under the supervision of the entity, school, college, or university  
14 by which he or she is employed, and if he or she performs those  
15 functions as part of the position for which he or she is employed.

16 (c) The activities and services of a student, intern, or trainee  
17 pursuing a course of study in counseling in a regionally  
18 accredited institution of higher education or training institution, if  
19 these activities are performed under the supervision of an  
20 approved supervisor and constitute a part of the supervised  
21 course of study, provided that the person is designated as a  
22 student or intern.

23 (d) The activities and services of a rabbi, priest, minister, or  
24 clergy person of any widely accepted religious denomination or  
25 sect, provided such activities and services are within the scope of  
26 the performance of regular or specialized ministerial duties.